

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA

vs.

SHAE RICE

§  
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§

Case No. 4:09cr44  
(Judge Schell)

**REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 8, 2009, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On July 17, 2003, Defendant was sentenced by the Honorable Walter S. Smith, Jr. to sixty-three (63) months' custody followed by three (3) years of supervised release for the offense of Possession of Pseudoephedrine with the Knowledge that it would be Utilized to Manufacture a Controlled Substance, namely, Methamphetamine, a Scheduled II Controlled Substance. On August 31, 2007, Defendant completed her period of imprisonment and began service of her supervised term. On March 16, 2009, this case was transferred to the Eastern District of Texas, Sherman Division and assigned to United States District Judge Richard A. Schell.

On April 29, 2009, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the mandatory condition that she not commit another federal, state, or local crime. The petition also alleged a violation of the standard condition that defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any

controlled substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts: (1) On April 8, 2008, in Lewisville, Denton County, Texas, Defendant was arrested by Lewisville Police Department for Driving While Intoxicated; and (2) On February 3, 2009, in Denton County, Texas, Defendant was sentenced to two years' imprisonment in the Institutional Division of the Texas Department of Criminal Justice.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one day with no supervised release to follow. It is also recommended that Defendant be housed in the FMC Carswell. The Court also made a request to the Marshal's Service that Defendant be housed in Grayson County, Texas, until her transfer.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 9th day of September, 2009.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE